

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

Implementing a Nationwide,
Broadband, Interoperable Public Safety
Network in the 700 MHz Band

PS Docket No. 06-229

Development of Operational, Technical
And Spectrum Requirements for
Meeting Federal, State and Local Public
Safety Communications Requirements
Through the Year 2010

WT Docket No. 96-86

**COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO
ON
THE NINTH NOTICE OF PROPOSED RULE MAKING AND
THE PROPOSOL OF THE FEDERAL COMMUNICATIONS COMMISSION
FOR THE IMPLEMENTATION OF A NATIONWIDE, BROADBAND,
INTEROPERABLE PUBLIC SAFETY NEWTORK IN THE 700 MHZ BAND**

I. BACKGROUND

The City and County of San Francisco ("City") respectfully submits these Comments on the Ninth Notice of Proposed Rulemaking ("Ninth NPRM") and the Commission's Proposal for the Implementation of a Nationwide, Broadband, Interoperable Public Safety Network in the 700MHz Band ("Broadband Proposal").

The City has serious concerns about this proposal and its impact on local and regional mission critical grade interoperable communications and our future ability to effectively communicate during disaster response or recovery operations. The City believes that although a nationwide public safety 700MHz system has merits, the implications of this proposal and its adverse impact will greatly outweigh the benefits of such a network and have far reaching negative impacts over many years. The FCC has graciously considered public safety needs as it cleared the 700MHz

band and is providing the greatest allocation of voice 700MHz channels in history to improve local and regional public safety emergency communications and interoperability. This availability of voice spectrum (February, 2009) will provide voice interoperability in the San Francisco Bay Area, allow effective communications with our public safety partners, including transportation security partners, and allow relief for congested channels after many years without new spectrum availability.

We thank the Commission for providing this “voice” portion of the 700MHz spectrum and applaud efforts to ensure or promote interoperability on a national basis. That said, we are very concerned about this Proposal which removes opportunities to build, own or implement mission critical wideband and broadband systems for local and regional public safety use. In effect, while “one hand giveth”, the “other hand is taking away” capability, security and spectrum that had specifically been set aside for public safety use. The Commission’s proposal does not fully consider the needs of public safety first responders and as a result favors the commercial sector to the detriment of the public safety community. The City strongly urges the Commission to halt this dangerous proposal in order to study the issues raised and review the recommendations made by the City in these comments.

The City has serious concerns with the following assumptions or proposed actions:

- The Proposal modifies the current 700MHz band plan so that public safety owned/operated wideband channels and systems are no longer allowed. The Proposal does not allow for individual or regional public safety agencies to license mission critical, secure public safety owned high-speed data networks in the 700MHz band other than in narrowband channels only - which would reduce the bandwidth available for voice communication.
- The Proposal, as written, threatens local and regional planning efforts and severely restricts operational decisions about data systems and interoperable communications deployment at the regional level.
- The Commission has concluded that “flexibility” hinders interoperable communications efforts by “perpetrating balkanization” – we strongly disagree with this assumption and conclusion. In effect, this conclusion or assumption

favors Federal mandates over local/regional planning processes for interoperable communications.

- The Proposal takes away dedicated public safety spectrum.
- The Proposal restricts public safety users to one broadband network, under a single license and under the ownership of a commercial entity. Options for local or regional broadband data systems with specific coverage requirements or other mission critical or public safety customized features would not be allowed.
- It appears that a national carrier or vendor would determine service areas and coverage based on profits rather than public safety needs/requirements. This would eliminate the option for local public safety agencies to choose a service provider based on performance.
- The Proposal would force public safety users to participate, at unknown costs and at the mercy of a commercial interest, in a nationwide monopoly.
- Although San Francisco has the density that may generate an “interest” in building a network in our region for “profit,” the City will not embrace a commercial interest taking away the ability to own/operate our own public safety dedicated broadband system.

II. DISCUSSION

The Ninth NPRM takes away local and regional control of interoperability planning in favor of a “one size fits all” national “standard” for broadband. By disempowering and excluding Regional Planning Committees (RPCs) from the planning and development process, the Proposal eliminates the ability of local, regional and state public safety users to define their interoperable communications needs from both a technical and operational perspective. Shifting power to a Federal mandate or model equates to a “Katrina like” Federal response to the problem of interoperability. Local and regional public safety users have critical interdependencies and needs that require regional coordination and planning for an effective emergency response and expedited recovery.

Although data communications is important for effective response and recovery to disasters for both the private and public sector, the creation of “shared systems” will result in overloaded and failed networks during disasters – as both sectors will be competing for the same “bandwidth”. A commercial provider, expecting a profit, can never

build a robust network that would support the peak “load” of citizens and emergency responders simultaneously. A business model which would support both the private sector and public safety needs is not possible - public safety’s communications requirements would be deemed “unreasonable” in the business world. Just as phone networks are not designed for all phones to be used simultaneously, the overload generated by a massive earthquake will cause the public safety network to fail when it is critically needed during a disaster. The ability to “share” spectrum with commercial carriers and the public is questionable and will fail both “customers” in their greatest hour of need. The past FCC decisions that allowed sharing of spectrum, such as demonstrated with the Nextel issues in the 800MHz band, have proven to be costly, problematic, and created first responder safety concerns due to interference. The Commission’s Proposal begs the question: have we explored the issue of sharing spectrum in the 700MHz band fully or are we creating the same problem with the same thinking as before? Although there are many opportunities for public-private partnerships in disaster coordination, this one has dire consequences if implemented as proposed without full exploration of interference, overloading, and redundancy.

While technology may be a part of the interoperable communications solution, more often the problem is of a human nature. Memorandums of understanding between multiple agencies, at the local and regional level as well as appropriate procedures, protocol and training are critical to solving the problem of interoperable communications. A Federal mandate for technology will not solve the interoperable communications problem. While interoperable communications may be a national problem, its solution lies in regional coordination, planning and control.

Currently the San Francisco Bay Area and Sacramento/Central Valley areas are engaged in development of refined protocols, agreements, training and exercises to effectively respond to our expected earthquake in the Bay Area and failed levees in the deltas of California. Unlike Katrina, we will not point a finger at the Federal government; we own this problem and are resolving our issues regionally between the two Urban Area Planning Groups. Part of this planning process incorporates the coordination of talk groups, radio ID’s, computer aided dispatch procedures and other local/regional planning/coordination efforts. Simply put, national coordination of local or regional communications agencies with the hope of providing an effective response will fail.

Regional cooperation and collaboration are essential requirements for interoperable communications. Regional coordination and planning committees now exist throughout our state and within our Bay Area. Effectively, all of the Presidential Homeland Security directives or initiatives are planned for, developed and implemented at the regional level through our model Urban Area Planning processes which fold into the larger regional planning and coordination processes. We work closely and coordinate with our State officials. Locally and within the urban area, we plan for solutions that impact the daily lives of over 7 million residents and almost 16 million visitors annually while sitting on three major fault lines with an imminent and high probability of rupture. While the Loma Prieta Earthquake was significant to many San Franciscans, we are more concerned about the expected event which will be over 32 times more powerful. Effective interoperable communications is essential to our response and recovery efforts. Our “super” urban area has made substantial gains in planning for and collaboration towards interoperable communications.

For the most part, our lack of resolution of communications interoperability has been because of a lack of spectrum. We have waited for spectrum to provide faster data speeds. We have waited for spectrum to allow more users or “homeland security partners” on our networks for interoperability. Balkanization in the Bay Area is a direct result of the historically fragmented release of public safety spectrum.

We have made considerable investments, utilizing both homeland security grants and capital funds, into public safety voice and data networks over the last 2-3 years – all of which required urban area and regional interoperable communications planning and coordination. This proposal will negate all investments towards our 700MHz wideband or broadband systems.

We are at a place in time that we have never been in the San Francisco Bay Area. Collaboration, 700MHz spectrum availability, and funding opportunities are providing the circumstances to resolve long standing interoperable communications problems. This Proposal, without options, will set us backwards in time. We require the ability to plan and coordinate our technical solutions and operational protocols at the urban and regional level.

III. CONCLUSION

The City firmly objects to this 700MHz Broadband Proposal from the Commission and requests that additional study of this issue be performed prior to proceeding. The City highly recommends that the Regional Planning Committees maintain a minimum of 75% control in the 700MHz public safety broadband spectrum for regional or local control/coordination and that a maximum of 25% be allocated for a nationwide 700MHz broadband network as an “option” for public safety. The City recommends that all spectrum licensing issues still be required to coordinate through the RPCs similar to other FCC coordination requirements for other bands to ensure interoperable communications.

The City of San Francisco respectfully urges that the issues articulated in these comments be reviewed fully - with results of that review made available to the public safety community.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura Phillips".

Laura A. Phillips, Executive

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